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SERVICE DATE – NOVEMBER 7, 2017

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 444 (Sub-No. 2)

VERMONT ASSOCIATION OF SNOW TRAVELERS, INC.—PETITION FOR
DECLARATORY ORDER

Decided: November 6, 2017

On April 6, 2017, Vermont Association of Snow Travelers, Inc. (VAST), filed a petition for declaratory order finding that VAST's work on the Lamoille Valley Rail Trail is exempt from Act 250, Vermont's land use statute. On April 25, 2017, the Board granted the State of Vermont's request to extend the deadline for filing a responsive pleading to June 30, 2017. Subsequently, the Board twice granted the parties' requests for an extension of time to permit settlement discussion, first to July 31, 2017, and then to October 1, 2017.

On October 5, 2017, VAST submitted a motion to dismiss its petition for declaratory order, stating that VAST, the State of Vermont, the Vermont Agency of Transportation, and the Vermont Natural Resources Board have entered into a settlement agreement resolving the issues raised in the petition. VAST states that the settlement agreement contemplates the dismissal of its petition without prejudice. VAST also represents that all the parties support the motion to dismiss the petition. Therefore, the motion to dismiss will be granted.¹

It is ordered:

1. VAST's motion to dismiss is granted. The petition for declaratory order is dismissed without prejudice.
2. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

¹ VAST also renews its request for a fee waiver. The request for a fee waiver will be addressed separately.